

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)
ARTESIAN WATER COMPANY, INC. FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE WATER)
SERVICES PURSUANT TO 26 *DEL. C.* § 203C) PSC DOCKET NO. 19-0323
("FENWICK78.00, FRANKFORD15.00, &)
OMAR3.01"))
(FILED MAY 9, 2019))

ORDER NO. 9423

AND NOW, this 16th day of July 2019, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on May 9, 2019, Artesian Water Company, Inc. ("Artesian") filed an application ("Application"), pursuant to 26 *Del. C.* § 203(C)(e)(1)b.2, seeking a Certificate of Public Convenience and Necessity ("CPCN") to provide water services to three parcels of land in Sussex County, Delaware, specifically identified as Tax Map Parcel Nos. 533-18.00-78.00, 533-1.00-15.00, and 134-14.00-3.01 (the "Proposed Service Area"); and

WHEREAS, Commission Staff ("Staff") reviewed the Application to ensure compliance with the statutory provisions of 26 *Del. C.* § 203C and 26 *Del. Admin. C.* § 2002, the Commission's "Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities" (the "Regulations"); and

WHEREAS, Staff notes that the Application included evidence that Artesian had mailed to the landowners of record in the Proposed Service Area a Commission-approved notice regarding the Application and the options available to the landowners of record. In addition, Artesian provided evidence via affidavits of publication to show that it had published notice of the Application in two newspapers of general circulation. Finally, to determine whether the Commission should deny the requested CPCN as set forth in 26 *Del. C.* § 203C(f), Staff solicited

comments from the Delaware Department of Natural Resources and Environmental Control (“DNREC”), the Office of the State Fire Marshal (“SFM”), and the Office of Drinking Water of the Division of Public Health (“ODW”). DNREC, SFM, and ODW responded and confirmed they have no issues relating to Artesian’s ability to provide safe, adequate, and reliable water services to its existing customers. Staff also notes that it received no other comments regarding Artesian or the Application, and no landowners of record included in the Proposed Service Area have objected to the Application or elected to “opt-out” of the Proposed Service Area; and

WHEREAS, Staff has submitted to the Commission a memorandum confirming the Application meets all of the requirements for granting Artesian a CPCN for water services pursuant to 26 *Del. C.* § 203C and the Regulations. No errors or omissions were found. Accordingly, Staff has recommended that the Commission approve the Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. Pursuant to 26 *Del. C.* § 203C, the Commission grants Artesian a CPCN to provide water services to the Proposed Service Area identified as Sussex County Parcel Nos. 533-18.00-78.00, 533-1.00-15.00, and 134-14.00-3.01.
2. Artesian shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving water utility services provided to the service territory granted by this CPCN.
3. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chairman

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary